IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 395 OF 2005

Datta K. Kudchadkar,
Curchorem Goa. ... Petitioner

versus

State through the Chief
Secretary and others. ... Respondents

Mr. N. Costa Frias, Advocate for the Petitioner.

Mr. Guru Shirodkar, Additional Government Advocate for the Respondents.

CORAM : D. D. SINHA &
N. A. BRITTO, JJ.

DATE : 12TH DECEMBER, 2005.

P.C.:-

Heard Mr. N. Costa Frias, learned Counsel for the petitioner and Mr. Guru Shirodkar, learned Additional Government Advocate for the respondents.

In the Writ Petition, direction is sought to the respondents to pay the arrears of salary and other arrears pertaining to the suspension period of the petitioner along with

interest accrued thereon from the date of suspension till the date of payment.

The learned Additional Government Advocate makes a categorical statement that the salaries due and payable to the petitioner has been paid to the petitioner on 23-11-2005.

The learned Counsel for the petitioner does not dispute the factual aspect of the matter and further states that the amount towards bonus to which the petitioner is entitled to is not paid to the petitioner which comes to Rs.2,500/- inspite of the Order dated 7-2-2005 passed by the Appellate Authority wherein it is held that the period of suspension of the petitioner shall be treated as period spent on duty and hence he shall be entitled to pay and allowances for that period.

The learned Additional Government Advocate for the respondents makes a statement that this aspect shall be considered by respondent No.2 within a period of fifteen days from today and appropriate orders in this regard shall be passed.

In the backdrop of the above referred facts, particularly in view of the statement made by learned Additional Government Advocate the grievance of the petitioner about non payment of arrears and salary does not survive. So far as entitlement of bonus is concerned, prima facie, we feel that this aspect is covered by the decision of the Appellate Authority vide Order dated 7-2-2005. However, we permit the State Government to look to it and pass appropriate orders in this regard within fifteen days.

With these observations and directions, Writ Petition is disposed of. The petitioner is permitted to make a representation to respondent No.2 in respect of non payment of interest of allowances and if such representation is made, we expect respondent No.2 to decide it on its own merit according to law within three weeks from the date of receipt of such representation.

D. D. SINHA, J.

N. A. BRITTO, J.

RD.